

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jill Gordon, *as Trustee for the Next of Kin
of Ryan Martin, Deceased,*

No. 20-cv-1167 (KMM/LIB)

Plaintiff,

v.

ORDER

Sappi North America, Inc., *formerly known
as S.D. Warren Company*; et al.;

Defendants.

This matter is before the Court on the Plaintiff's "Motion for Rule 54(b) or 28 U.S.C. 1292(b) Certification of Order (Doc. 239) and Judgment (Doc. 240)" [ECF No. 243], and the parties' Stipulation to the entry of an order granting Plaintiff's motion [ECF No. 251]. Having considered the plaintiff's motion and supporting memorandum, the parties' stipulation, and the entire record in this case, the Court is of the opinion that certification under Rule 54(b) is appropriate in this case.

The Court hereby finds that the requirements for certification under Federal Rule of Civil Procedure 54(b) are satisfied with respect to the Court's Order [ECF No. 239] granting Defendant Sappi North America, Inc.'s motion for summary judgment [ECF No. 214]. For the reasons set forth in Plaintiff's motion [ECF No. 243] and supporting memorandum [ECF No. 244], the Court hereby expressly determines that there is no just reason for delay, and directs that a final judgment be entered pursuant to Rule 54(b) with respect to Plaintiff's claims against Defendant Sappi North America, Inc. Specifically, the

Court agrees with the parties that this case will be managed and litigated most efficiently by having the appeal of the issue underlying the dismissal of Sappi North America, Inc. reviewed promptly, while the rest of the litigation is stayed. The Court also finds that permitting the appeal to go forward under Rule 54(b) as to Sappi North America, Inc. is unlikely to result in the reviewing court having to consider the same issue a second time, will conserve judicial and litigant resources, and will not prejudice any other litigant. The Court does not address and has not considered certification of appeal under 28 U.S.C. § 1292(b).

IT IS ORDERED that the crossclaim by Potlatch Defendants against Sappi North America, Inc., is dismissed, without prejudice by agreement of said Defendants.

IT IS FURTHER ORDERED that all remaining claims and defenses of each of the parties hereto are preserved and stayed pending the Plaintiff's appeal of the Court's summary judgment of Plaintiff's claims against Defendant, Sappi North America, Inc. [ECF No. 239 and ECF No. 240).

It is **HEREBY ORDERED** that Plaintiffs motion for Rule 54(b) certification is **GRANTED**.

Let Judgment be entered accordingly.

Date: May 26, 2023

s/Katherine Menendez
Katherine Menendez
United States District Judge